Calendar No. 570

84TH CONGRESS, 1st Session | SENATE | REPORT No. 565

REAFFIRMING THE DESIRE OF THE AMERICAN PEOPLE FOR PEACE

JUNE 16 (legislative day, JUNE 14), 1955.—Ordered to be printed

Mr. GEORGE, from the Committee on Foreign Relations, submitted the following

REPORT

[To accompany H. Con. Res. 157]

The Committee on Foreign Relations, having had under consideration House Concurrent Resolution 157, reaffirming the desire of the American people for peace, report the resolution favorably to the Senate and recommend that it be agreed to.

PURPOSE OF THE RESOLUTION

This resolution is in the nature of a message to the meeting to be held at San Francisco from June 20 to 26, 1955, in commemoration of the 10th anniversary of the United Nations. The message states that "Congress reaffirms the deep desire of the people of the United States for an honorable and lasting peace" and that the Congress hopes "that the people of all the nations of the world join with the people of the United States in a renewed effort for peace." The President of the United States is requested to convey this message to the gathering at San Francisco.

BACKGROUND

House Concurrent Resolution 157 was introduced in the House on June 14, 1955, by Mrs. Frances P. Bolton and agreed to that day. An identical companion resolution, Senate Concurrent Resolution 38, was introduced at the same time in the Senate by Senator Smith of New Jersey and referred to the Committee on Foreign Relations. On June 16, the committee agreed to report House Concurrent Resolution 157 to the Senate for favorable action thereon.

74002°—57 S. Rept., 84-1, vol. 2——58

UNIVERSITY OF MICHIGAN LIBRARIES

COMMITTEE RECOMMENDATION

The committee took this step because it believed that it would be appropriate and desirable for the Senate to associate itself with the action of the House at this particular time. The United States search for peace hardly needs to be affirmed by words. Our actions and efforts on behalf of world peace over the years speak for themselves. We live in a time, however, of rapidly shifting international situations. The committee, therefore, agreed that the coming San Francisco meeting affords a proper opportunity to reaffirm the continuing desire of the American people for a just and lasting peace and to call for renewed efforts to that end.

The commemoration at San Francisco will begin Monday, June 20. The Senate should act promptly on the resolution if this message is to reach the opening session.

○

Calendar No. 571

84TH CONGRESS, 1st Session | SENATE | REPORT No. 566

AUTHORIZING CONSTRUCTION OF TWO SURVEY SHIPS FOR THE COAST AND GEODETIC SURVEY

JUNE 16 (legislative day, JUNE 14), 1955.—Ordered to be printed

Mr. PAYNE, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany S. 847]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 847) to authorize the construction of two surveying ships for the Coast and Geodetic Survey, Department of Commerce, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE AND BACKGROUND OF LEGISLATION

The Coast and Geodetic Survey is charged with the surveying and charting of the 90,000 miles of shoreline of the United States and its possessions, and the 2,317,000 square miles of adjacent waters. Adequate nautical charts are imperative to guard our commercial and military shipping against disaster, but more than 60 percent of the 2,317,000 square miles cited are still inadequately charted or entirely unsurveyed.

At present the Coast and Geodetic Survey has in operation only 5 vessels of the 2,500-ton type provided for in this bill. Two are overage, while another, a former Navy vessel now being operated on Navy funds, is approaching obsolescence. Three of the vessels are in Alaskan waters performing vital surveys for the Department of Defense, while another is engaged off the California coast. The fifth, the 25-year-old *Hydrographer*, lately has been transferred from the Gulf of Mexico to the Gulf of Maine, leaving the heavily traveled Atlantic coast without an appropriate type ship.

The two ships projected in this bill would be specially designed for, and placed in, the Alaska service. This would permit transfer of the *Explorer*, a modern vessel, to the Atlantic coast, and would make

UNIVERSITY OF MICHIGAN LIBRARIES

possible the scrapping of the 38-year-old *Surveyor*, now assigned to Alaska.

The 2 ships would carry crews of 80 men each, an overall increase in personnel of 30 men. Of the funds sought, $475,000 would be required for the equipment of each vessel.

As pointed out by the Secretary of Commerce in his letter requesting introduction of the bill, the cost of the two ships is infinitesimal when measured against the value of the ships, cargoes, and human lives which would be protected thereby. The letter from the Secretary of Commerce is as follows:

THE SECRETARY OF COMMERCE,
Washington 25, June 10, 1955.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington 25, D. C.

DEAR MR. CHAIRMAN: This is in reply to your request dated February 2, 1955, for the views of the Department of Commerce with respect to S. 847, a bill to authorize the construction of 2 surveying ships for the Coast and Geodetic Survey, Department of Commerce, and for other purposes.

Authority for construction of 2 additional survey ships would permit resumption of a replacement program begun in 1938 but interrupted by the war after construction of 2 ships. In 1941, 8 major seagoing ships were operated and 1 was under construction. During the war 7 ships were transferred to the Navy. Three major ships are now in general service, 1 is being prepared for a naval project and a 5th ship commissioned in 1917 is restricted to protected waters because of age and lack of watertight integrity.

The three seafaring ships now available for general use cannot meet the responsibilities of the Coast and Geodetic Survey for the production of nautical charts.

The Coast and Geodetic Survey is responsible for surveying and charting the 90,000 miles of shoreline of the United States and its possessions and approximately 2,317,000 square miles of water areas adjacent thereto. Of these 2,317,000 square miles of water area about 844,000 square miles are covered by surveys that are satisfactory for the compilation of modern charts. About 1,473,000 square miles remain inadequately surveyed or entirely unsurveyed. It is a recognized fact that the greatest insurance against a marine disaster is complete and adequate nautical charts.

Over $100 million in ships and cargo yearly travel in the 2,317,000 square miles for the charting of which the Coast and Geodetic Survey is responsible. The additional cost of the two surveying ships which would be authorized by S. 847 is infinitesimal when measured against the value of the ships, cargoes, and human lives which would be protected by the charts produced by these ships.

In one of the most heavily traveled areas, the Atlantic coast, no ship of appropriate size has been available for surveys since 1941. The ship assigned to work in the Gulf of Mexico is therefore being transferred, despite many protests, from this area to the Gulf of Maine where an extensive survey program has not been undertaken since Civil War times. The fishing industry also requires offshore surveys in other New England areas and south of the Virginia cape where adequate surveys have not been made.

The construction of these vessels represents another step in the replacement program for the Coast and Geodetic Survey. There are two vessels, the *Surveyor*, which is now 38 years old, and the *Hydrographer*, which is now 25 years old. Use of these vessels results in a much less efficient and more expensive operation because of their technical obsolescence for survey work and increased expense of upkeep and operation. In open-sea operation the *Surveyor* is of questionable seaworthiness because it lacks watertight integrity.

Under the present plan based on expected needs, the new vessels would be assigned to Alaskan waters. They will be especially adaptable to this work. The *Hydrographer*, which is presently working on the Atlantic coast, would be replaced by the *Explorer*, a modern vessel, which could be used on offshore survey work in this area. The *Hydrographer*, which cannot be used in this work, would be retired. The *Surveyor*, now in Alaska, would be scrapped.

For these reasons we recommend enactment of S. 847. Should your committee desire further information with respect to the need for these ships or the charting program in which they would be used, we will be happy to furnish it.

We are advised by the Bureau of the Budget that it would interpose no objection to the submission of this report to your committee.

Sincerely yours,

SINCLAIR WEEKS,
Secretary of Commerce.

There is no change in existing law.

○

UNIVERSITY OF MICHIGAN LIBRARIES

Calendar No. 572

84TH CONGRESS, 1st Session | SENATE | REPORT No. 567

AUTHORIZING VOLUNTARY EXTENSIONS OF ENLISTMENTS IN THE ARMY, NAVY, AND AIR FORCE FOR PERIODS OF LESS THAN 1 YEAR

JUNE 16 (legislative day, JUNE 14), 1955.—Ordered to be printed

Mr. STENNIS, from the Committee on Armed Services, submitted the following

REPORT

[To accompany S. 1571]

The Committee on Armed Services, to whom was referred the bill (S. 1571) to authorize voluntary extensions of enlistments in the Army, Navy, and Air Force for periods of less than 1 year, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the proposed legislation is to provide statutory authority whereby enlisted men in the military departments may voluntarily extend their enlistments for periods of less than 1 year.

Neither the Army, Navy, Air Force, nor Marine Corps presently possess the statutory authority which would permit enlisted men to voluntarily extend their enlistments for periods of less than 1 year.

DESIRABILITY OF LEGISLATION

There are times when voluntary extensions of less than 1 year would be advantageous to both the Government and the enlisted man concerned. As an example there are cases where a ship is scheduled to cruise beyond the continental limits of the United States for a period of several months but considerably less than 1 year. There could be enlisted men whose enlistments expire during the course of the cruise. The authority of this bill would permit such men to voluntarily extend their enlistments at the beginning of the cruise with the result that the Government would attain the benefit of the

UNIVERSITY OF MICHIGAN LIBRARIES

enlistee's training and experience during this period. The advantage to the enlisted men would be that they could participate in a project without being required to extend their enlistments for a full year or longer.

In the Army and Air Force this authority would be used in instances where enlisted men would desire to extend enlistments in order to complete an overseas tour or in order to attend certain service schools. In the latter case the services require that there be a certain period of time remaining in an enlisted man's tour after completion of a service school in order for him to attend. The authority of this legislation would permit a voluntary extension where needed in order to attend such schools.

The Department of Defense advises that if the proposed legislation is enacted, regulations will be issued which will restrict extensions of enlistments of less than 1 year to those situations where acceptance of such extensions would be in the best interests of the Government.

DEPARTMENTAL RECOMMENDATIONS—BUDGET DATA

The enactment of this proposal will result in no increase in the budgetary requirements of the Department of Defense.

This bill is a part of the Department of Defense legislative program for 1955 as indicated by the letter printed below and hereby made a part of this report. This letter notes that the Bureau of the Budget has no objection to the submission of this legislation.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington 25, D. C., March 3, 1955.

Hon. RICHARD M. NIXON,
President of the Senate,
United States Senate, Washington 25, D. C.

MY DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation to authorize voluntary extensions of enlistments in the Army, Navy, and Air Force for periods of less than 1 year.

This proposal is a part of the Department of Defense legislative program for 1955 and the Bureau of the Budget has advised that there would be no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Navy has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The proposed legislation would authorize voluntary extensions of enlistments in the Army, Navy, and Air Force for periods of less than 1 year.

The act of August 22, 1912 (ch. 335, 37 Stat. 331) authorizes enlisted men of the Navy and Marine Corps to voluntarily extend their enlistments for periods of 1, 2, 3, or 4 years. Likewise, section 1422 of the Revised Statutes, as amended (ch. 155, 18 Stat. 484; 34 U. S. C. 201) authorizes the retention of enlisted personnel of the Navy beyond the normal expiration of their enlistments when the vessel to which they are attached is outside the continental limits of the United States, in which event they may be retained until the vessel returns to the United States. The Army and Air Force do not have similar authority.

There are times when it would be advantageous to the Government and to the enlisted man concerned if enlistments could be voluntarily extended for periods less than 1 year. With respect to the Navy, a typical case is where a ship is scheduled to cruise beyond the continental limits of the United States for a period of several months but for considerably less than 1 year. It would be in the best interest of the Government and of the enlisted man, whose enlistment would normally expire during the period of the scheduled cruise, to be able to extend the time of enlistment for a period long enough to include the cruise.

Similarly, some enlisted personnel of the Army and Air Force are often engaged in important activities which may carry over for a period of several months beyond the normal expiration of their enlistments. In such cases it would also appear to be in the best interest of the Government and of the enlisted personnel involved to be able to extend the enlistment for the short period necessary to complete the mission.

By authorizing voluntary extensions of enlistments for periods of less than 1 year, the Government would benefit by having the services of trained personnel during a cruise, activity, or special project and would not be required to provide replacements for those activities. The advantage to the enlisted man would be that he could participate in the project without being required to extend his enlistment for a full year or without being required to reenlist for a period of 3 years, whichever the case may be.

It is contemplated that if the proposed legislation is enacted regulations will be issued which will restrict extensions of enlistments for less than 1 year to those situations where acceptance of such extensions will be in the best interest of the Government.

COST AND BUDGET DATA

Enactment of this proposal would result in no increase in the budgetary requirements of the Department of Defense.

Sincerely yours,

C. S. THOMAS.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of Rule XXIX of the Standing Rules of the Senate, there is printed below in parallel columns the text of provisions of existing laws which would be amended by the various provisions of the bill.

EXISTING LAW	PROPOSAL
The Act of August 22, 1912, fifth paragraph under the heading "Pay, miscellaneous" (ch. 335, 37 Stat. 331)	
That the term of enlistment of any enlisted man in the Navy may, by his voluntary written agreement, under such regulations as may be prescribed by the Secretary of the Navy with the approval of the President, be extended for a period of either one, two, three, or four full years from the date of expiration of the then existing four-year term of enlistment, and subsequent to said date such enlisted men as extend the term of enlistment as authorized in this section shall be entitled to and shall receive the same pay and allowances in all respects as though regularly discharged and reenlisted immediately upon expiration of their term of enlistment, and such extension shall not operate to deprive them upon discharge at the termination thereof of any right, privilege, or benefit to which they would be entitled at the expiration of a four-year term of enlistment.	SECTION 1. That the fifth paragraph under the heading "Pay, Miscellaneous" of the Act of August 22, 1912 (ch. 335, 37 Stat. 331), as amended, is amended by deleting the word "either" and substituting therefor the words "less than one year or for a period of".

UNIVERSITY OF MICHIGAN LIBRARIES

Calendar No. 573

84TH CONGRESS, 1st Session | SENATE | REPORT No. 568

REPEALING TWO PROVISIONS OF LAW REQUIRING THAT CERTAIN MILITARY PERSONNEL SHALL BE PAID MONTHLY

JUNE 16 (legislative day, JUNE 14), 1955.—Ordered to be printed

Mr. STENNIS, from the Committee on Armed Services, submitted the following

REPORT

[To accompany S. 1725]

The Committee on Armed Services, to whom was referred the bill (S. 1725) to repeal two provisions of law requiring that certain military personnel shall be paid monthly, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the legislation is to repeal certain statutes in order that the Departments of the Army and Air Force may make salary payments to their military personnel more often than one time per month.

LEGISLATIVE BACKGROUND

This bill repeals section 1268 of the Revised Statutes (2d edition 1878) and the last proviso in subtitle "Pay" of the act of August 30, 1890 (26 stat. 400). Section 1268 states—

> The sums hereinbefore allotted shall be paid in monthly payments by the paymaster.

The proviso of the 1890 act which is repealed by section 2 of the bill provides—

> that the pay of the enlisted men including the items of commutation of quarters, and commutation of fuel, shall be paid monthly to each enlisted man entitled thereto by one check upon one properly certified voucher

This proviso applies only to enlisted men in the Signal Corps of the Army.

The Comptroller General has ruled that section 1268 of the Revised Statutes is a bar to semimonthly salary payment for officers in the

UNIVERSITY OF MICHIGAN LIBRARIES

Army and Air Force. The 1890 statute has been construed to bar semimonthly salary payments to enlisted men in the Signal Corps.

DESIRABILITY OF REMOVING STATUTORY BAR

The Air Force in response to a 6-month survey begun in October 1954 proposes to pay its officers and airmen on a semimonthly basis. The Army at the present time is considering such a possibility. For many years the Navy and Marine Corps have paid their personnel on semimonthly basis and require no legislative action.

Semimonthly military salary payments will serve to relate the period of pay of military personnel more closely to the present day practices of salaries of civilian employees of the United States Government and of those employed in private industry.

DEPARTMENTAL RECOMMENDATIONS—BUDGET DATA

The enactment of this proposed legislation would involve no apparent increase in the budgetary requirements of the Department of Defense.

This bill is a part of the Department of Defense legislative program for 1955 as indicated by the letter printed below and hereby made a part of this report. The letter indicated that the Bureau of the Budget interposes no objection to this legislation.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, March 22, 1955.

HON. RICHARD M. NIXON,
President of the Senate.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation to repeal two provisions of law requiring that certain military personnel shall be paid monthly.

This proposal is a part of the Department of Defense legislative program for 1955 and the Bureau of the Budget has advised that there would be no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Air Force has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this legislation is to permit salary payments to be made to members of the Army and Air Force more frequently than once a month.

Section 1268 of the Revised Statutes (10 U. S. C. 861) would be repealed. That section reads "The sums hereinbefore allowed shall be paid in monthly payments by the paymaster." The reference to "sums hereinbefore allowed" is to the sums allowed as pay of officers in the preceding sections of the Revised Statutes (Rev. Stat. 1261–1267). Section 1268 relates to the payment of officers of the Army and Air Force. Periods of payment of officers of the Navy and Marine Corps are not covered by specific legislation. There is, therefore, no need for this proposed legislation to be made applicable to officers of the Navy and Marine Corps.

Section 1268 has always created differences of opinion as to whether the word "monthly" was restrictive as related to more frequent payments or should be interpreted as providing merely that payment should not be less frequent than monthly. In this connection the Judge Advocate General of the Army and the Judge Advocate General of the Air Force have rendered opinions to the effect that the intent of section 1268 was to require monthly payments of the pay of officers as opposed to annual payments, rather than to restrict payments to monthly periods. The Comptroller General, however (B–120757, August 9, 1954), has held that section 1268 of the Revised Statutes is a bar to semimonthly

payment of officers. Notwithstanding that ruling the Comptroller General granted permission to the Air Force to test a semimonthly pay plan for officers with the understanding that before the plan is adopted on a permanent basis appropriate statutory authority therefor would be obtained by the Air Force. The semimonthly payment plan for members of the Air Force was established on a test basis only after thorough consideration of the need for such plan and the benefits which will result therefrom. Semimonthly payments serve to relate the period of pay of military personnel more closely to present practices in the payment of salaries of civilian employees of the Government and those employed in private industry.

Appropriate regulations of the Department of the Air Force established the basis for semimonthly payments to airmen and aviation cadets, effective in October 1954, on a 6-month test basis. Provision was made for officers and warrant officers to elect to receive payments either monthly or semimonthly. Payment for the 1st through the 15th day of the month will be made on the 20th day of the month. Payment for the 16th day through the last day of the month will be made on the 5th day of the following month.

Section 2 of the bill would repeal the last proviso in subtitle "Pay" of the act of August 30, 1890 (26 Stat. 400; 10 U. S. C. 861a). That proviso reads "That the pay of the enlisted men, including the items of commutation of quarters, and commutation of fuel, shall be paid monthly to each enlisted man entitled thereto by one check upon one properly certified voucher." This proviso applies only to the Signal Service of the Army. The pay of all enlisted men in the Army is governed by the same law. The special provision concerning enlisted men in the Signal Service is not required or used and should be repealed.

COST AND BUDGET DATA

Enactment of this proposed legislation would involve no apparent increase in the budgetary requirements of the Department of Defense.

Sincerely yours,

HAROLD E. TALBOTT.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, there is printed in parallel columns the text of provisions of existing law which would be amended by the various provisions of the bill.

EXISTING LAW	PROPOSED BILL
REVISED STATUTES (10 U. S. C. 861)	
SEC. 1268. The sums hereinbefore allowed shall be paid in monthly payments by the paymaster.	That section 1268 of the Revised Statutes is repealed.
Last proviso, subtitle "Pay" of the Act of August 30, 1890 (26 Stat. 400; 10 U. S. C. 861a)	
That the pay of the enlisted men, including the items of commutation of quarters, and commutation of fuel, shall be paid monthly to each enlisted man entitled thereto by one check upon one properly certified voucher.	SEC. 2. The last proviso in subtitle "Pay" of the Act of August 30, 1890 (26 Stat. 400), is repealed.

○

UNIVERSITY OF MICHIGAN LIBRARIES

Calendar No. 574

84TH CONGRESS, 1st Session | SENATE | REPORT No. 569

PERMANENT AUTHORIZATION FOR RESERVES TO WAIVE MILITARY PENSION DURING DRILL PERIODS AND ACTIVE DUTY

JUNE 16 (legislative day, JUNE 14), 1955.—Ordered to be printed

Mr. RUSSELL, from the Committee on Armed Services, submitted the following

REPORT

[To accompany S. 2135]

The Committee on Armed Services, to whom was referred the bill (S. 2135) to provide for the suspension of certain benefits in the case of members of the Reserve components of the Army, Navy, Air Force, and Marine Corps ordered to extended active duty in time of war or national emergency, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to provide permanent authority whereby members of the Reserve components who are drawing disability pay or other compensation from the United States by virtue of prior military service may waive such pay in order to elect to receive pay for active duty, active duty for training, or drill. In addition, the bill would suspend the disability pay or other compensation of members of the Reserve components who are ordered to extended active duty in excess of 30 days in periods of national emergency, unless their disability compensation exceeded their total active duty compensation.

PERMANENT AUTHORITY TO WAIVE DISABILITY OR OTHER COMPENSATION

S. 2135 in section 3 would make the act of September 27, 1950, permanent law. The 1950 act would otherwise expire September 27, 1955. Under this authority members of the Reserve components who receive a pension, disability allowance, or other compensation from the United States by virtue of prior military service may elect to waive such compensation in order to receive pay for periods of

UNIVERSITY OF MICHIGAN LIBRARIES

active duty, active duty for training, drill, or other instruction. Without the authority of the 1950 act, members of the Reserve components would be prohibited by virtue of other statutes from receiving pay for active duty or active duty for training.

The Reserve components now have many members who have minor disabilities which were incurred in prior service and for which they are now drawing disability benefits. In times of emergency when trained manpower is greatly needed, their disabilities are not of such magnitude as to prevent useful duty with the Armed Forces. The Department of Defense has advised that the use of such personnel has been of considerable value during the period of the temporary legislation. The enactment of such authority into permanent law is desirable in order that persons with minor disabilities will be fully utilized as a part of the trained Reserve.

SUSPENSION OF PENSION FOR ACTIVE DUTY IN EXCESS OF 30 DAYS

In section 1 of the bill (relating to the Naval and Marine Corps Reserve) and in section 2 (relating to the Army and Air Force Reserve) it is provided that disability pay or other compensation awarded by virtue of prior military service, will be suspended for such reservists who are ordered to extended active duty in excess of 30 days in time of war or national emergency, unless the disability compensation of such persons is greater than their active duty compensation. This language was adopted in order to make certain that such reservists could not avoid military service in times of national emergency by refusing to waive their disability compensation. The committee was sited an instance during the Korean emergency where the family hardships caused by the refusal of a small group of enlisted men to waive their disability compensation in order to receive active duty compensation, resulted in their effective avoidance of military duty.

DELETION OF TERM "DISABILITY ALLOWANCE"

Section 4 deletes the term "disability allowance" from section 10 of the act of August 2, 1946. For some 27 years this term has had no meaning with respect to disability compensation. Its insertion in the 1946 act was an error.

DEPARTMENTAL RECOMMENDATION AND BUDGET DATA

The enactment of this bill will cause no increase in the budgetary requirements of the Department of Defense.

This proposal is a part of the Department of Defense's legislative program for 1955 as indicated by the letter printed below and hereby made a part of this report. The letter indicates that the Bureau of the Budget has no objection to this measure.

DEPARTMENT OF THE ARMY,
Washington 25, D. C., May 18, 1955.

Hon. RICHARD M. NIXON,
President of the Senate.

DEAR MR. PRESIDENT: There are forwarded herewith a draft of legislation and sectional analysis, to provide for the suspension of certain benefits in the case of members of the Reserve components of the Army, Navy, Air Force, and Marine Corps ordered to extended active duty in time of war or national emergency, and for other purposes.

This proposal is a part of the Department of Defense legislative program for 1955 and the Bureau of the Budget has advised that there would be no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that this proposal be enacted.

PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is twofold. First it is to provide permanent authority for members of the Reserve components who are drawing retirement, disability compensation, or retired pay by virtue of prior military service, to waive such pay in order to receive active duty, active duty for training, and training pay as reservists. The existing authority for such waivers, contained in the act of September 27, 1950 (ch. 1053, 64 Stat. 1067), will expire on September 27, 1955 (10 U. S. C. 369 (b) note). That act permits members of Reserve components to elect, with reference to periods of active duty, active duty for training, drill, training, instruction, or other duty for which they may be entitled to receive compensation, to receive either (1) the compensation for such duty, including travel or other expenses incident thereto when authorized, and subsistence and quarters, or commutation thereof, or (2) the pension, retirement pay, disability allowance, disability compensation, or retired pay. Second, the proposed legislation would suspend the pension, retainer pay, disability allowance, disability compensation, or retired pay of members of the Reserve components of the Army, Navy, Marine Corps, and Air Force who are ordered to extended active duty in excess of 30 days in time of war or national emergency and who are found physically qualified to perform active duty, and would authorize the payment, in lieu thereof, of the pay and allowances provided by law for active military or naval service.

The Reserve components now have many members who have minor disabilities which were incurred in prior service and for which they are drawing disability benefits. In time of critical need for trained manpower, their disabilities are not of such magnitude as to prevent useful duty with the Armed Forces. This program has worked well and been of such value during the period of temporary legislation, that enactment into a permanent law to provide continuing authority for personnel with minor disabilities to serve in all of the Reserve components is essential to the full utilization of trained Reserve personnel.

Some reservists receiving disability compensation from the Veterans' Administration, who were ordered to extended active duty and found physically qualified to perform that duty, declined to waive their disability compensation in favor of active duty pay and allowances. When the reservist refuses to waive his disability compensation he may not receive active duty pay for his services and no expenses for or incident to travel, subsistence, quarters, or commutation thereof, may be incurred on his behalf. This action on the part of those reservists greatly limited their availability for service and has caused, in some instances, financial hardships for themselves and their families. Enactment of the proposed legislation would suspend rather than waive the disability compensation of the reservist while he is on extended active duty in time of war or national emergency. Upon termination of active duty the compensation or other benefit would be resumed and paid as provided by law.

COST AND BUDGET DATA

The enactment of this proposal will cause no increase in the budgetary requirements for the Department of Defense.

Sincerely yours,

ROBERT T. STEVENS,
Secretary of the Army.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, there is printed below in roman type existing law in which no change is proposed; existing law proposed to be omitted is enclosed in black brackets, and new matter is printed in italics.

Any member of the Naval Reserve or Marine Corps Reserve entitled to draw a pension, retainer pay, [disability allowance,] disability compensation, or retired pay from the Government of the United States by virtue of prior military

UNIVERSITY OF MICHIGAN LIBRARIES

service, may elect, with reference to periods of active duty, active duty for training, drill, training, instruction, or other duty for which they may be entitled to receive compensation pursuant to any provisions of law to receive either (1) the compensation for such duty, which, when authorized by law, shall include travel or other expenses incident thereto, and subsistence and quarters, or commutation thereof, or (2) the pension, retainer pay, disability allowance, disability compensation or retired pay, but not both; and unless they specifically waive or relinquish the latter, they shall not receive the former for the periods of such duty: *Provided*, That nothing contained in this section shall be construed as prohibiting the enlistment or appointment in the Naval Reserve or the Marine Corps Reserve of any person who may be entitled to draw any such pension, disability allowance, or disability compensation: *Provided further, That in the case of any member of the Naval or Marine Corps Reserve receiving a pension, retainer pay, disability compensation, or retired pay from the Government of the United States by virtue of prior military service who is ordered to extended active duty in excess of thirty days in time of war or national emergency and is found physically qualified to perform active duty, entitlement to the pension, retainer pay, disability compensation, or retired pay shall be suspended for the period of the extended active duty unless that compensation is greater than the compensation specified in clause (1) of this section. During the period of such suspension the member shall receive compensation for such extended active duty as specified in clause (1) of this section. Upon termination of the period of extended active duty the pension, retainer pay, disability compensation, or retired pay of the member shall be resumed and paid as provided by law. The suspension herein provided shall not operate to affect any other rights or benefits to which the member or his dependents may be entitled under this or any other provision of law.*

SEC. 2. Notwithstanding the provisions of any other law, any member of a Reserve component of the Army of the United States or of the Air Force of the United States entitled to draw a pension, retirement pay, [disability allowance,] disability compensation, or retired pay from the Government of the United States by virtue of prior military service, may elect, with reference to periods of active duty or drill, training, instruction, or other duty for which they may be entitled to receive compensation pursuant to any provisions of law, to receive either (1) the compensation for such duty, which, when authorized by law, shall include travel or other expenses incident thereto, and subsistence and quarters, or commutation thereof, or (2) the pension, retirement pay, disability allowance, disability compensation, or retired pay, but not both; and unless they specifically waive or relinquish the latter they shall not receive the former for the periods of such duty: *Provided, That in the case of any such member receiving a pension, retirement pay, disability compensation, or retired pay from the Government of the United States by virtue of prior military service who is ordered to extended active duty for a period in excess of thirty days in time of war or national emergency and is found physically qualified to perform active duty, entitlement to the pension, retirement pay, disability compensation, or retired pay shall be suspended for the period of the extended active duty unless that compensation is greater than the compensation specified in clause (1) of this section. During the period of extended active duty the member shall receive the compensation for that duty specified in clause (1) of this section. Upon termination of the period of extended active duty the pension, retirement pay, disability compensation, or retired pay of the member shall be resumed and paid as provided by law. The suspension herein provided shall not operate to affect any other rights or benefits to which the member or his dependents may be entitled under this or any other provision of law.*

SEC. 3. The provisions of this Act shall be effective from July 1, 1947.[, and shall terminate five years after the date of approval of this Act.]

○

Calendar No. 575

84TH CONGRESS, 1st Session } SENATE { REPORT No. 570

CONTINUING THE EFFECTIVENESS OF THE MISSING PERSONS ACT UNTIL JULY 1, 1956

JUNE 16 (legislative day, JUNE 14), 1955.—Ordered to be printed

Mr. RUSSELL, from the Committee on Armed Services, submitted the following

REPORT

[To accompany S. 2266]

The Committee on Armed Services, having had under consideration the question of continuing the effectiveness of the Missing Persons Act, report the bill (S. 2266), to continue the effectiveness of the Missing Persons Act, as extended, until July 1, 1956, and recommend that it do pass.

PURPOSE OF THE BILL

The bill proposes to continue the effectiveness of the Missing Persons Act, as amended and extended, until July 1, 1956. The statute would otherwise expire July 1, 1955.

EXPLANATION OF THE BILL—EXISTING LAW

The Missing Persons Act has been in effect since 1942, except for a period of approximately 11 months prior to the date of the Selective Service Act of 1948. This statute is the sole authority under which heads of the executive departments are authorized to continue to credit the pay accounts of persons, within the scope of the statute, while missing, missing in action, interned, captured, or in similar status, or to continue, make, or modify allotments to their dependents during such periods of absence. Such authority is essential in order that the military services may continue to make adequate provision for dependents of certain categories of persons who are in a missing status.

NECESSITY FOR THE BILL

The bill makes no change in statutes presently in effect; it merely extends until July 1, 1956, the Missing Persons Act which, under existing authority (Public Law 291, 83d Cong.), expires July 1, 1955.

UNIVERSITY OF MICHIGAN LIBRARIES

The necessity for the bill is emphasized by the fact that there remain American soldiers who are still carried in a captured or missing status as a result of the Korean conflict. Expiration of Public Law 291, 83d Congress, will leave no authority after July 1, 1955, for the continuation of the pay and allotments of the missing persons involved.

The Department of Defense has recommended temporary legislation extending the present authority for 1 year pending the submission to the Congress of proposed permanent provisions of law on this matter. The departmental letter appearing at the end of this report indicates that the permanent legislative proposal is now in the Bureau of the Budget and is expected to be submitted to the Congress in the near future. The authority of this bill will assure continuation of temporary authority to July 1, 1956, and at the same time provide the Congress with sufficient time to study the proposed legislation expected to be recommended in the near future.

DEPARTMENTAL RECOMMENDATIONS—BUDGET DATA

The Department of Defense recommends enactment of this legislation as indicated by the letter from the Secretary of the Army to the President of the Senate, which letter is printed below and hereby made a part of this report. The letter also advises that the Bureau of the Budget interposes no objection to this legislation.

With respect to the cost of this legislation, the Department of the Army advises that accurate cost estimates are impossible due to the fact that the number of persons on whose accounts payments are made under the Missing Persons Act fluctuates from time to time.

DEPARTMENT OF THE ARMY,
Washington 25, D. C., June 6, 1955.

Hon. RICHARD M. NIXON,
President of the Senate.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation to continue the effectiveness of the Missing Persons Act, as extended, until July 1, 1956.

This proposal is part of the Department of Defense legislative program for 1955 and the Bureau of the Budget has advised that there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Army has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

This proposal will continue the effectiveness of the Missing Persons Act (56 Stat. 143, 1092), as amended (50 U. S. C. 1015; Public Law 291, 83d Cong.), until July 1, 1956. The present law was temporarily extended by Public Law 291, 83d Congress, to July 1, 1955. The Missing Persons Act is the sole authority under which heads of the executive departments are authorized to continue to credit the pay accounts of persons, within the scope of the statute, while missing, missing in action, interned, captured, or in similar status, or to continue, make, or modify allotments to their dependents during such periods of absence. Such authority is essential in order that the services may continue to make adequate provisions for the dependents of certain categories of persons who are placed in a missing status. Lack of such legislation during the early months of World War II subjected the dependents of these individuals to hardship and confronted the military services with many administrative problems in an attempt to adequately and equitably alleviate such conditions.

The proposal makes no change in statutes presently in effect; it merely extends until July 1, 1956 the Missing Persons Act which, under existing authority, expires July 1, 1955.

The Department of Defense has recommended proposed legislation to revise and make permanent current temporary provisions of law relating to persons who are missing, missing in action, interned in a foreign country, or captured by a hostile force. That proposal has been submitted to the Bureau of the Budget for executive branch clearance. We are informed that the Bureau of the Budget and other executive branch agencies have substantially completed their review of the proposal and that it will be cleared for submission to the Congress in the near future. However, in view of the fact that the temporary authority under the Missing Persons Act expires July 1, 1955, and the proposed revisions of the act involve several substantive matters, it is believed appropriate that the current temporary law be extended for 1 year. This will assure continuation of the temporary authority beyond the July 1, 1955, expiration date and give the Congress a greater time to study the various changes in the Missing Persons Act that will be recommended shortly.

COST AND BUDGET DATA

Since the number of persons on whose accounts payments are made under the act fluctuates, it is impossible to state with any degree of accuracy the cost of continuing this act in effect.

Sincerely yours,

ROBERT T. STEVENS,
Secretary of the Army.

CHANGES IN EXISTING LAW

EXISTING LAW	THE BILL
Section 15, Missing Persons Act, (56 Stat. 147, 1093), as amended by subsection 1 (f), Act of April 4, 1953 (Public Law 16, 83d Congress), is amended by deleting the word "February 1, 1954", and inserting in lieu thereof "July 1, 1955."	That section 15, Missing Persons Act (56 Stat. 147, 1093), as amended, is further amended by deleting the word "July 1, 1955", and inserting in lieu thereof "July 1, 1956".

O

UNIVERSITY OF MICHIGAN LIBRARIES

Calendar No. 576

84TH CONGRESS, 1st Session | SENATE | REPORT No. 571

AMENDING THE CANAL ZONE CODE BY THE ADDITION OF PROVISIONS AUTHORIZING REGULATION OF THE SALE AND USE OF FIREWORKS IN THE CANAL ZONE

JUNE 16 (legislative day, JUNE 14), 1955.—Ordered to be printed

Mr. SYMINGTON, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H. R. 4650]

The Committee on Armed Services, to whom was referred the bill (H. R. 4650) to amend the Canal Zone Code by the addition of provisions authorizing regulation of the sale and use of fireworks in the Canal Zone, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

EXISTING LAW

The Canal Zone Code at the present time provides no express authority under which the Governor can control the sale and use of fireworks within the Canal Zone. The only administrative control which can be exercised exists by virtue of the Governor's authority over the sale of items which can be sold in the commissaries within the zone. There is no legal authority for controlling private sales within the Canal Zone. Moreover, in addition to the problem of sales there is no authority for controlling the use of fireworks.

NECESSITY FOR THE BILL

The Governor of the Canal Zone advises that the indiscriminate use of fireworks such as firecrackers and torpedoes in the Canal Zone has made it necessary to request the authority provided for in this legislation. The use of fireworks within the Canal Zone has become an increasing hazard to public safety.

UNIVERSITY OF MICHIGAN LIBRARIES

TYPE OF AUTHORITY PROVIDED IN BILL

This legislation is patterned after a provision of the District of Columbia Code (title I, sec. 224) granting similar authority to the Commissioners of the District. This bill prescribes the penalty for violations and permits the Governor to issue the appropriate regulations. The Governor of the Canal Zone also has this type of authority under the present Canal Zone Code with regard to traffic and hunting violations.

DEPARTMENTAL RECOMMENDATIONS

This bill was recommended by the Canal Zone Government as indicated by the letter printed below and hereby made a part of the report. The letter further indicates that the Bureau of the Budget has no objection to the submission of the recommended legislation. Also printed below is a letter from the Deputy Attorney General to the chairman of the House Committee on Merchant Marine and Fisheries, indicating that the Department of Justice has no recommendations regarding this measure.

CANAL ZONE GOVERNMENT, BALBOA HEIGHTS, C. Z.,
OFFICE OF THE GOVERNOR,
Washington, D. C., January 5, 1955.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

MY DEAR MR. SPEAKER: At the request of the Governor of the Canal Zone, there is forwarded a draft of bill to amend the Canal Zone code by the addition of provisions authorizing regulation of the sale and use of fireworks in the Canal Zone.

The hazards to public safety arising from the indiscriminate use of explosive fireworks, such as firecrackers and torpedoes, have long been recognized in the United States, and a majority of the States have enacted fireworks laws prohibiting or regulating the sale or use of fireworks. The need for similar authority in the Canal Zone has become increasingly evident in recent years.

The proposed legislation, which would vest authority in the Governor of the Canal Zone to regulate the use and sale of fireworks, is patterned after a provision of the District of Columbia Code (title 1, sec. 224) granting similar authority to the Commissioners of the District. Under the circumstances applicable to the Canal Zone, a statute of this type is considered preferable to one setting forth detailed substantive provisions.

The Bureau of the Budget has advised that there is no objection to the submission of the proposed legislation and this letter to the Congress.

Sincerely yours,

W. M. WHITMAN,
Assistant to the Governor.

Enclosure.

A BILL To amend the Canal Zone Code by the addition of provisions authorizing regulation of the sale and use of fireworks in the Canal Zone

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 2 of the Canal Zone Code, approved June 19, 1934 (48 Stat. 1122), is amended by adding a new chapter numbered 26, embracing sections 521 and 522, and reading as follows:

"CHAPTER 26—REGULATION OF SALE AND USE OF FIREWORKS

"Sec.
"521. Regulations authorized.
"522. Punishment for violations.

"SEC. 521. REGULATIONS AUTHORIZED.—The Governor of the Canal Zone is authorized to prescribe, and from time to time alter and amend, regulations prohibiting, limiting, or otherwise regulating the sale and use of any fireworks within the Canal Zone, or any portions thereof, as he may deem necessary to public safety.

"SEC. 522. PUNISHMENT FOR VIOLATIONS.—Any person who shall violate any regulation prescribed under authority of the next preceding section shall be punishable by a fine of not more than $100 or by 30 days' imprisonment in jail, or by both."

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D. C., April 25, 1955.

Hon. HERBERT C. BONNER,
Chairman, Merchant Marine and Fisheries,
Washington, D. C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on the bill (H. R. 4650) to amend the Canal Zone Code by the addition of provisions authorizing regulation of the sale and use of fireworks in the Canal Zone.

The bill would amend title 2 of the Canal Zone Code by adding a new chapter, No. 26, embracing sections 521 and 522, which would authorize the Governor of the Canal Zone to prescribe and from time to time alter and amend, regulations prohibiting, limiting, or otherwise regulating the sale and use of any fireworks within the Canal Zone or any portions thereof, as he may deem necessary to public safety. Violations of the prescribed regulations would be punishable by a fine of not more than $100 or by 30 days' imprisonment in jail, or by both.

Whether the bill should be enacted involves a question of policy upon which the Department of Justice prefers to make no recommendations.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

There are no changes in existing law.

○

UNIVERSITY OF MICHIGAN LIBRARIES